



May 23, 2005

Mr. William Taylor
Fernald Closure Project
PO Box 538705
Cincinnati, OH 45253-8705

Chair
James C. Bierer

Vice Chair
Lisa Crawford

Members
M. Kathryn Brown
Marvin W. Clawson
Lisa Crawford
Stephen P. Depoe
Louis Doll
Pamela Dunn
Gary Storer
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Gene E. Willeke

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L. French Bell
Gene Jablonowski
William Taylor
Graham Mitchell

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The Perspectives Group

Recommendation 2005-05: Matching Duration of FCAB to Site Transition Schedule

In 2002, the Fernald Citizens Advisory Board (FCAB) recommended transitioning to a "Closure CAB", ensuring stable and committed public involvement in activities through site closure and the transition to long-term stewardship. This allowed continuity of public input for the Office of Environmental Management (EM) programs at Fernald. Currently, DOE plans to disband the FCAB at the end of September 2005. Key site closure activities will continue into 2006, however, and EM site completion activities and full transition to the Office of Legacy Management (LM) will continue through October 2007. With the current FCAB deadline now fewer than five months away, we believe that it is important to revisit the efficacy and logic of this plan.

Our goal is to ensure that robust public involvement continues through site closure, is in place for critical site completion activities, and allows for an effective handoff to planned public involvement for LM through the proposed Local Stakeholder Organization.

We believe that the current timeline falls well short of these goals. The FCAB has four key concerns regarding the current timeline. These include:

- The scope of EM activities following September 2005
- Uncertainties regarding the site completion timeline
- Uncertainties regarding the formation and scope of an LSO
- Adequate transition from the FCAB to an LSO

EM Activities Following September 2005

Several critical EM activities will be completed after the scheduled dissolution of the FCAB in September 2005. These activities include packaging and shipment of silos waste, demolition of silos treatment and packaging facilities, excavation of soils in the project area, and the cap and closure of the on-site disposal facility. Ecological restoration of these areas cannot occur until the remediation projects are completed. In addition, several regulatory processes will continue past site closure. These include drafting of closure documents, finalizing the Legacy Management and Institutional Controls Plan, and completing an interim site-wide risk assessment. The FCAB acknowledges and supports DOE's efforts to get input from local governmental officials and the broader community as it approaches this transition period. It is important, however, to preserve the input of FCAB members at this critical time. Many of the individuals involved in the FCAB have more than 12 years experience with Fernald decision making and have developed a deep knowledge of the site and the challenges it has faced. FCAB involvement has greatly shaped the remaining activities and its institutional knowledge simply cannot and will not be replaced at this late stage through alternative public involvement strategies.

Uncertain Completion Timeline

As documented in the February 2005 Transition Plan for the Fernald Closure Project, there are a number of uncertainties that could delay physical completion of the site. The FCAB questions whether it is appropriate to have a definitive date for its dissolution while these uncertainties exist regarding full remediation of the site. Prominent among these risks is the successful treatment and shipment off site of the wastes from Silos 1 and 2, now contained in four temporary holding tanks on the Fernald property. Another uncertainty is the ultimate settlement of the Natural Resource Damages claim filed against DOE by the State of Ohio. DOE has tied many decisions affecting the future use of the site to the outcome of this lawsuit. These decisions relate to some of the issues of greatest interest to the FCAB, including levels of site access, resources ongoing public education and outreach, and the management of ecological restoration projects. The FCAB would prefer that its dissolution be tied to these specific cleanup and planning milestones, instead of an arbitrary date.

Formation of an LSO

The FCAB continues to support the plan for Legacy Management to develop a Local Stakeholder Organization for Fernald. Our understanding is that an LSO should be in place 6 months prior to site closure. With an anticipated closure date of March 2006, this means the LSO should be operating at Fernald by September 2005. Based on the current progress of Legacy Management in developing its LSO policies and forming a group at Fernald, we are concerned that an LSO will not be functional within the next few months. As our experience also indicates, an advisory board is not instantly effective. It takes time to establish a credible board and for that board to begin working effectively. If the FCAB is disbanded before the LSO is fully formed, the Fernald community will have no formal representation in DOE decision making. More important, the scope of the LSO will not likely cover the many site closure issues that the FCAB has been ably handling for years. Nor should it; the FCAB is the best option to see its EM-related activities through closure.

Transition from FCAB to LSO

The FCAB believes a true transition between the FCAB and LSO, in which both operate concurrently for some period of time, makes the most sense. This would allow members of the LSO to become familiar with issues related to long-term surveillance and maintenance of the site, while the FCAB continues to provide input on remediation and transition activities. It would also allow FCAB members to interact with LSO members in a formal way, in order to pass on knowledge of the site and a history of key issues. In summary, the FCAB believes that the transition of public participation should better mirror the transition of the site from Environmental Management to Legacy Management.

We are not seeking to arbitrarily extend the life of the FCAB. We are volunteers and look forward to the day when our work will no longer be necessary. However, we do not believe that day is September 30, 2005 or the completion of Fluor Fernald's closure contract. Rather we believe the end of the FCAB could be tied to a specific set of events including, but not limited to, these proposed milestones:

Proposed Milestones for Ending FCAB

- Completion of the Fluor closure contract
- Contractor in place for monitoring and maintenance of OSDF
- Contractor in place for aquifer restoration project
- Charter signed by LSO
- At least two meetings of LSO
- Settlement of NRD lawsuit
- Final LMIC
- Final CIP
- Representative collection of photographs online
- Completion of interim site-wide risk assessment
- Remedial Action Reports for Operable Units 1-4

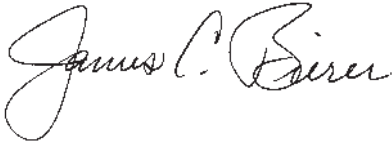
FCAB Activities and Support Requirements

We do, however, believe that the FCAB can be operated less expensively after September 2005. This is based on the assumptions that remediation projects will be successfully completed, regulatory completion and transition to LM will go smoothly, and that an LSO will be established in a timely fashion. The FCAB would develop a work plan prior to October 2005, based on the available budget and cleanup progress at the site. Possible savings are identified below.

Current	After September 2005
Monthly board meetings	Board meetings every 6-8 weeks
Stewardship Committee meetings in conjunction with Board meetings	No Stewardship Committee, coordination with the LSO
Special projects (FCAB history, roundtables, etc.)	No special projects
2 facilitators each meeting, agenda planning, meeting minutes, monthly mailings	1 facilitator each meeting (while Fluor support is available), agenda planning, meeting minutes, 6-8 week mailings
Technical and administrative support (tracking complex, distributing articles, drafting comments and recommendations, managing communications, reviewing reports, etc.)	Technical and administrative support scaled back in proportion to fewer meetings and special projects
Fluor support (weekly updates, producing materials, answering questions, etc.)	Fluor support scaled back in proportion to fewer meetings and special projects
DOE participation in meetings, planning activities, etc.	DOE support will continue

FCAB members remain committed to providing input to the DOE Office of Environmental Management throughout its involvement in the Fernald Closure Project. FCAB leadership would be happy to work directly with you and other DOE representatives to create a reasonable public participation transition plan and schedule. We look forward to your response.

Sincerely:

A handwritten signature in black ink, appearing to read "Jim Bierer". The signature is fluid and cursive, with the first name "Jim" and last name "Bierer" clearly distinguishable.

Jim Bierer
Chair

A handwritten signature in black ink, appearing to read "Lisa Crawford". The signature is fluid and cursive, with the first name "Lisa" and last name "Crawford" clearly distinguishable.

Lisa Crawford
Co-Chair

cc:
P. Golan
M. Owen
B. Warther
W. Taylor
J. Craig
A. Berry
Jim Saric
Tom Winston
Ohio Congressional Delegation